

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION**

UNITED STATES OF AMERICA,

CR 11-33-BU-DWM

Plaintiff,

vs.

ORDER

MARK STEPHEN SIGLER, and
VALERIE DANIELLE SIGLER,

Defendants.

Defendant Mark Sigler has notified the Court of his intent to plead guilty to the offense of conspiring to manufacture marijuana as charged in the Information filed against him. He requests a hearing for the entry of his guilty plea, and he requests the hearing be conducted at the time of his initial appearance and arraignment which are presently set for March 12, 2012.

United States District Court Judge Donald W. Molloy has referred this case to the undersigned for purposes of conducting the plea hearing requested by Defendant. Therefore, IT IS HEREBY ORDERED that Defendant's initial appearance, arraignment, and plea hearing are set for March 12, 2012, at 1:00 p.m., at the Mike Mansfield Federal Courthouse, 400 N. Main, Butte, Montana.

Defendant further moves for leave to file under seal the plea agreement he

has entered with the United States. In support of his motion, Defendant requests that the agreement be sealed for the reasons stated in other documents previously filed in this matter. By reference to those documents, Defendant asserts, in substance, that there exists a risk that his plea agreement could “become a vehicle for improper purposes[.]” *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006) (quoting *Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 598 (1978)). Consistent with the Court’s Order entered December 2, 2011, Defendant’s assertion presents a “compelling reason” that overcomes the presumption in favor of allowing public access to public records, and is sufficient to allow a document to be filed under seal. *Kamakana*, 447 F.3d at 1179. *See also* L.R. CR 49.1(a). Therefore, IT IS FURTHER ORDERED that Defendant’s motion for leave to file his plea agreement under seal is GRANTED.

DATED this 7th day of March, 2012.

/s/ Jeremiah C. Lynch
Jeremiah C. Lynch
United States Magistrate Judge